

REMARKS

Applicants thank Examiner Gitomer for the helpful and courteous discussion of August 31, 2006. During the discussion Applicants' U.S. representative suggested that the prior art does not disclose any composition containing an albumin that functions to reduce interference of hemoglobin in a dehydrogenase assay and that such a composition is patentable over the cited prior art. The Examiner stated that such arguments would be considered in light of page 2, lines 7-10 of the June 22, 2006 Office Action.

It is known that the presence of hemoglobin or other metalloproteins may affect the determination of components of a biological specimen in prior art assays and/or prior art methods (see the paragraph bridging pages 2 and 3 of the present specification). In the present specification Applicants describe a reagent for determining specific components in a biological specimen that avoids the influence of hemoglobin. Applicants utilize an albumin to permit quantitative determination of components of a biological specimen without influence by hemoglobin. The albumin of the present claims functions to reduce the interference of hemoglobin in dehydrogenase-based assays.

In certain embodiments of the invention the reagent is made of two components. A first component includes a first portion of the albumin but does not contain any of the enzyme. A second component of the reagent contains none or a portion of the albumin and the enzyme. Applicants submit that none of the prior art relied upon by the Office describes a method and/or a reagent that includes albumin to reduce interference of hemoglobin in a dehydrogenase-based assays.

Applicants submit the prior art cannot anticipate or render obvious the presently claimed subject matter because the prior art does not disclose all of the present claim limitations; namely the use of albumin to avoid interference by hemoglobin.

With respect to the Office's rejection of the present claims as anticipated by Moyer (U.S. 3,791,933), Applicants point out that the cited prior art utilizes an albumin that is impregnated as a solid within a glass fiber disk. Applicants thus submit that Moyer cannot anticipate the present claims at least because (i) the albumin of Moyer is not present in the amount recited in present Claim 6 and (ii) Moyer does not disclose a reagent combination that includes a first and a second reagent.

Further, as was mentioned above, Moyer does not disclose that the albumin of the prior art apparatus functions to avoid interference of the assay by hemoglobin.

With regard to the rejection of the present claims in view of Parsons (U.S. 6,703,216), Applicants point out that, at best, Parsons requires a protein concentration of from 0.01-50%, preferably from 0.1-25%, but does not disclose the range of albumin concentration recited in present Claim 6. Further, Applicants submit that Parsons does not disclose or suggest a reagent combination or a kit that includes a first and second reagent such as that claimed in present Claims 6 and 15.

Applicants thus submit that Parsons cannot anticipate the present claimed invention and respectfully request withdrawal thereof.

With respect to the rejection of the present claims as anticipated in view of Kuniaki (JP 60-66993), Applicants point out that the English translation discloses that the albumin concentration is 0.1% (see pages 14, 18 and/or 26 of the English translation). This amount of albumin is not within the range of albumin concentration recited in present Claim 6 and therefore Kuniaki cannot anticipate Claim 6. Moreover, as mentioned above, Kuniaki does not disclose any reagent or composition including a functionality whereby an albumin is used to reduce interference of hemoglobin in an enzymatic analysis.

Applicants thus submit that the rejections in view of Kuniaki should be withdrawn.

With respect to the rejection of the present claims in view of Ghoshal (U.S. 6,811,998), Applicants submit that Ghoshal does not disclose any albumin that functions to eliminate interference of hemoglobin in an enzymatic test and therefore does not anticipate the presently claimed invention. Moreover, with respect to present Claim 6, Applicants submit that the disclosure of Ghoshal cited to by the Office on page 4 of the Office Action (i.e., see column 6, line 23 of Ghoshal) does not disclose that albumin must be present in the concentration range recited in present Claim 6. Applicants therefore submit that Ghoshal cannot anticipate the presently claimed subject matter and respectfully request withdrawal of the rejection.

Applicants request withdrawal of the rejections.

REQUEST FOR REJOINDER

Independent Claim 1, currently withdrawn from prosecution, has been amended to recite the functionality of "avoiding influence of hemoglobin". Applicants request the rejoinder and allowance of the non-elected claims upon the Office's determination that the reagent of Claim 6 is allowable.

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance and respectfully request the mailing of a Notice of Allowance indicating the same.

Respectfully submitted,

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